

**GUAM ENVIRONMENTAL PROTECTION AGENCY  
AIR AND LAND DIVISION  
AIR POLLUTION CONTROL PROGRAM  
P.O. Box 22439 GMF  
Barrigada, Guam 96921**

**TITLE V PERMIT TO OPERATE**

Permit Number: FO-012  
Issue Date: **FIELD (2)** Issue Date  
Expiration Date: **FIELD (3)** Expiration Date

In accordance with the provisions of Title V of the Clean Air Act (CAA) and the Guam Air Pollution Control Standards and Regulations (GAPCSR), Public Law 24-322, and the Guam Air Pollution Control Act (GAPCA), Public Law 24-20, 10 Guam Code Annotated (GCA), Chapter 49,

**Pruvient Energy Guam Inc.  
Tanguisson Power Plant  
Barrigada, Guam**

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit. Terms and conditions not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by the United States Environmental Protection Agency (USEPA), the Guam Environmental Protection Agency (GEPA), and citizens under the CAA. The issuance of this permit is based on the plans, specifications, and additional information submitted as part of the application dated November 14, 2003.

If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

Acceptance of this permit constitutes an agreement and acknowledgement that the holder will comply with all the rules and regulations of GEPA and these permit conditions.

This permit, (a) does not in any manner affect the title of the premises upon which the equipment is located, (b) does not release the permittee from any liability for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment, and (c) in no manner implies or suggests that GEPA, or its officers, agents, or employees assumes any liability, directly or indirectly, for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment.

**Guam EPA**

Title V Operating Permit

Pruvient Energy Guam, Inc. – Tanguisson Power Plant

Permit No. FO-012

Expires: **Insert Date**

This permit is valid for a period of five (5) years and shall expire at midnight on the date specified above unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

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Date

Lorilee T. Crisostomo  
Administrator  
Guam EPA

**Guam EPA**

Title V Operating Permit

Pruvient Energy Guam, Inc. – Tanguisson Power Plant

Permit No. FO-012

Expires: **Insert Date****Abbreviations and Acronyms**

ASTM	American Society for Testing and Materials
bbl	barrels
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CFR	Code of Federal Regulations
CO	Carbon Monoxide
GAPCSR	Guam Air Pollution Control Standards and Regulations
GCA	Guam Code Annotated
GEPA	Guam Environmental Protection Agency
hr	hour
kW	kilowatt
lb	pound
MMBtu	Million British thermal units
MW	Megawatt
NAAQS	National Ambient Air Quality Standard
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Nitrogen Oxides
PM <sub>10</sub>	Particulate matter less than 10 microns in diameter
PSD	Prevention of Significant Deterioration
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO <sub>2</sub>	Sulfur Dioxide
USEPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

**Guam EPA**  
Title V Operating Permit  
Pruvient Energy Guam, Inc. – Tanguisson Power Plant  
Permit No. FO-012  
Expires: **Insert Date**

## **TABLE OF CONTENTS**

Cover Page  
Abbreviations and Acronyms

### **I. Source Identification**

### **II. Facility-wide and Unit Specific Permit Conditions**

- A. Equipment Description
- B. Emission Limits
- C. Work Practice and Operational Requirements
- D. Monitoring and Testing Requirements
- E. Recordkeeping Requirements
- F. Reporting Requirements
- G. Special Conditions
- H. Compliance Schedule
- I. Compliance Certifications
- J. General Air Quality Protections
- K. Annual Emissions Reporting Requirements
- L. Fee Payment

### **III. Title V Administrative Requirements**

- A. Blanket Compliance Statement
- B. Duty to Provide and Supplement Information
- C. Submissions
- D. Severability Clause
- E. Circumvention
- F. Permit Actions
- G. Reopening for Cause
- H. Property Rights
- I. Inspection and Entry
- J. Emergency Provisions
- K. Transfer of Ownership or Operation
- L. Permit Expiration and Renewal
- M. Permit Modifications
- N. Malfunctions
- O. Agency Notifications
- P. Miscellaneous Conditions

**Guam EPA**  
Title V Operating Permit  
Pruvient Energy Guam, Inc. – Tanguisson Power Plant  
Permit No. FO-012  
Expires: **Insert Date**

## **I. Source Identification**

Facility Name: Tanguisson Power Plant  
Facility Location: Dededo, Parcel 1, Estate 103  
City: Dededo  
Territory: Guam  
USEPA Region: 9  
SIC Code: 4911-221112

Responsible Official: John R. Hand, President  
Phone Number: (671) 647-8265

Facility Manager/Contact: Michael J. Alvarez  
Phone Number: (671) 647-8265

Person Responsible for Recordkeeping: Michael Q. Cruz  
Phone Number: (671) 647-8265

### **Description of Process:**

The Tanguisson Power Plant generates electric power by burning No. 6 fuel oil in steam electric generating boiler units. The significant source of emissions of air pollutants are two 26.5 megawatt (MW) No. 6 fuel oil-fired steam boilers, a 350 kilowatt (kW) diesel-fired emergency generator, and two 10,000 barrel (bbl) No. 6 fuel oil storage tanks. Other insignificant emission sources include two welding units, a forklift, an oil/water separator, an oil/water coalescer, a parts cleaner/degreaser, and a No. 2 diesel oil storage tank.

## **II. Facility-wide and Unit Specific Permit Conditions**

### **II.A. Equipment Description**

II.A.1 This permit encompasses the following equipment and associated appurtenances that are considered significant sources of emissions. [GAPCSR, Section 1104.12(12)]

<b>Emission Unit ID</b>	<b>Description</b>
Unit 1	26.5 MW No. 6 fuel oil-fired steam boiler
Unit 2	26.5 MW No. 6 fuel-oil-fired steam boiler
ICE 1	350 kW diesel-fired emergency generator
Tank 1	10,000 bbl No. 6 fuel oil storage tank
Tank 2	10,000 bbl No. 6 fuel oil storage tank

II.A.2 The permittee shall have installed an identification tag or nameplate on each piece of equipment that identifies the model number, serial number, and manufacturer, where available. The identification tag or nameplate shall be permanently attached to the equipment at a conspicuous location. [Section 49107(7)(B) of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA]

### **II.B. Emission Limits**

#### **II.B.1 Diesel-Fired Equipment (Units 1, 2, and ICE 1)**

II.B.1.a The permittee shall not cause or permit the continuous emission of visible air pollutants with a density equal to or darker than twenty (20) percent opacity from any emission unit nor the emission of visible air pollutants of a density darker than sixty (60) percent opacity for a period aggregating more than three (3) minutes in any sixty (60) minute period. [GEPA Permit HEI-678, Condition II.G, Issued August 25, 1997; GAPCSR, Section 1103.3; State Implementation Plan (SIP), Section 10.1]

#### **II.B.2 Emission Limits for No. 6 Fuel Oil-Fired Steam Boilers (Units 1 and 2)**

II.B.2.a The maximum short term criteria pollutant emissions from each diesel-fired steam boiler (Units 1 and 2) shall not exceed the limits summarized in the table below. Maximum mass flow emissions occur at 100% base load.

<b>Pollutant</b>	<b>Emission Limit</b>
Particulate matter less than 10 microns in diameter (PM <sub>10</sub> )	44.65 pounds per hour (lb/hr)
Sulfur dioxide (SO <sub>2</sub> )	1,004 lb/hr
Nitrogen oxides (NO <sub>x</sub> ), as nitrogen dioxide (NO <sub>2</sub> )	220 lb/hr
Carbon monoxide (CO)	27 lb/hr
Volatile organic compound (VOC)	1.24 lb/hr

[GEPA Permit HEI-678, Condition II.D, Issued August 25, 1997]

II.B.2.b Particulate emissions from these emission units shall not exceed 0.36 lb/MMBtu. [SIP, Section 7.5]

### II.B.3 Diesel-Fired Emergency Generator (ICE 1)

II.B.3.a Particulate emissions from this emission unit shall not exceed 1.1 lb/MMBtu. [SIP, Section 7.5]

## II.C. Work Practice and Operational Requirements

II.C.1 All equipment, facilities, and systems installed or used to achieve compliance with terms and conditions of this permit shall at all times, including periods of startup, shutdown, and malfunction, be maintained in good working order and be operated as efficiently as possible so as to minimize air pollutant emissions. The permittee shall conduct proper preventive maintenance procedures for the No. 6 fuel oil-fired steam boilers (Units 1 and 2), the diesel-fired emergency generator (Unit ICE 1), and associated storage tanks (Tanks 1 and 2) in accordance with the manufacturer's recommendations, or other appropriate practices if there are no applicable manufacturer's recommendations. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to GEPA which may include, but is not limited to monitoring results, review of operating and maintenance procedures and inspection of the source. [GEPA Permit HEI-678, Conditions II.B and II.I, Issued August 25, 1997; GAPCSR, Section 1104.12(12)]

II.C.2 Storage tanks within the facility shall be inspected and maintained in accordance with the manufacturer's recommendations or other appropriate practices if there are no applicable manufacturer's recommendations. [GEPA Permit HEI-678, Condition II.K, Issued August 25, 1997]

**Guam EPA**

Title V Operating Permit

Pruvient Energy Guam, Inc. – Tanguisson Power Plant

Permit No. FO-012

Expires: **Insert Date**

- II.C.3 The permittee shall have enough fire fighting foam available to suppress hydrocarbon emissions in the event of abnormal conditions of the storage tank facilities. [GEPA Permit HEI-678, Condition II.L, Issued August 25, 1997]
- II.C.4 The maximum sulfur content by weight of the No. 6 fuel oil used in the diesel-fired steam boilers (Units 1 and 2) shall not exceed 2.00 percent. [GEPA Permit HEI-678, Condition II.E, Issued August 25, 1997; GAPCSR, Section 1103.10]
- II.C.5 The maximum sulfur content by weight of the No. 2 fuel oil used in the diesel-fired emergency generator (Unit ICE 1) shall not exceed 2 percent. [GAPCSR, Section 1103.10]
- II.C.6 Adequate control measures approved by GEPA shall be implemented to prevent exceedences of any applicable air quality standards during the operation of the facility. [GEPA Permit HEI-678, Condition II.C, Issued August 25, 1997; GAPCSR, Section 1104.12(8)]
- II.C.7 The permittee shall not cause or permit visible fugitive dust to become airborne without taking reasonable precautions. Examples of reasonable precautions are [GAPCSR, Section 1103.4(a); SIP, Sections 8.1, 8.4, and 8.7]:
- II.C.7.a Use of water or suitable chemicals for control of fugitive dust in the demolition of existing buildings or structures, construction and retrofitting operations, the grading of roads, or the clearing of land;
  - II.C.7.b Application of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which may allow release of fugitive dust;
  - II.C.7.c Installation of appurtenances that provide an enclosure and ventilation for all crushing, aggregate screening, and conveying of material likely to become airborne;
  - II.C.7.d Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Reasonable containment methods shall be employed during sandblasting, spray painting, or other similar operations;
  - II.C.7.e Covering all moving, open-bodied trucks transporting materials which may release fugitive dust;
  - II.C.7.f Conducting agricultural operations, such as tilling of land and the application of fertilizers, in such manner as to reasonably minimize fugitive dust;



**Guam EPA**

Title V Operating Permit

Pruvient Energy Guam, Inc. – Tanguisson Power Plant

Permit No. FO-012

Expires: **Insert Date**

II.C.7.g Maintenance and sealing of road-ways and parking lots so as to prevent the exposure of such surfaces to wind, water, or vehicular travel erosion; and

II.C.7.h Prompt removal of earth or other materials from paved streets which have been transported there by trucking, earth-moving equipment, erosion, or other means.

II.C.8 Except for persons engaged in agricultural operations or persons who can demonstrate to the Administrator that the best practical operation or treatment is being implemented, no person shall cause or permit the discharge of visible fugitive dust beyond the property lot line on which the fugitive dust originates. [GAPCSR, Section 1103.4(b); SIP, Section 8.2]

**II.D. Monitoring and Testing Requirements**

II.D.1 The permittee shall provide sampling and testing facilities at its own expense. The tests shall be conducted at the maximum expected operating capacity of the No. 6 fuel oil-fired equipment and GEPA may monitor the tests. For performance test purposes, sampling ports, platforms and access shall be provided by the permittee on the diesel exhaust systems in accordance with 40 CFR 60.8(e). [GAPCSR, Section 1102.4; SIP, Sections 3.6(a), 3.9, and 4.1]

II.D.2 At least thirty (30) days prior to performance of a test, the permittee shall submit a written performance test plan to GEPA that describes the test date(s), duration, locations, and methods, source operation and other parameters that may affect test results. Such a plan shall conform to USEPA guidelines including quality assurance procedures. A test plan or quality assurance plan that does not have the approval of GEPA shall be grounds to invalidate any test and require a retest. [GAPCSR, Section 1102.4]

II.D.3 Within sixty (60) days after completion of the performance test, the permittee shall submit to GEPA and USEPA Regional Administrator, the test report which shall include the operating conditions of the equipment at the time of the test, the analyses of the fuel, the summarized test results, comparative results with the permit emissions limits, and other pertinent field and laboratory data. [GAPCSR, Section 1102.4; SIP, Section 4.2]

II.D.4 Any deviations from these conditions, test methods, or procedures may be cause for rejections of the test results unless such deviations are approved by GEPA before the tests are conducted. [GAPCSR, Section 1102.4]

**Guam EPA**

Title V Operating Permit

Pruvient Energy Guam, Inc. – Tanguisson Power Plant

Permit No. FO-012

Expires: **Insert Date**

II.D.5 Upon written request and justification by the permittee, GEPA may waive the requirement for a specific annual source test. The waiver request is to be submitted at least sixty (60) days prior to the required test and must include documentation justifying such action. Documentation should include, but is not limited to, the results of the prior test indicating compliance by a wide margin, documentation of continuing compliance, and further that operations of the source have not changed since the previous source test. [GEPA Permit HEI-678, Condition IV.E, Issued August 25, 1997; GAPCSR, Section 1102.4]

II.D.6 The sulfur content of the No. 6 fuel oil to be used in the fuel oil-fired steam boilers (Units 1 and 2) and the No. 2 fuel oil used in the diesel-fired emergency generator (Unit ICE 1) shall be monitored pursuant to 40 CFR 60.334(b) using the method described in 40 CFR 60.335(d). On a monthly basis, the fuel analysis data shall be recorded. The monthly fuel analysis shall be summarized and submitted to GEPA on an annual basis. [GEPA Permit HEI-678, Condition II.F, Issued August 25, 1997]

II.D.7 Non-resetting fuel meters shall be operated to continuously monitor and record the amount of No. 6 fuel oil burned by the fuel oil-fired steam boilers (Units 1 and 2) and the hours of operation. To verify the fuel consumption, the permittee shall keep records of the monthly summary reports indicating the quantity of fuel consumed in the subject month. The monthly reports shall be summarized and submitted to GEPA on an annual basis. [GEPA Permit HEI-678, Condition II.H, Issued August 25, 1997]

II.D.8 The permittee shall conduct performance tests for NO<sub>x</sub>, SO<sub>2</sub>, VOC, PM<sub>10</sub>, CO, and opacity on the No. 6 fuel oil-fired steam boilers (Units 1 and 2) on an annual basis. A written report of such tests must be submitted to GEPA. Testing shall be conducted and results reported in accordance with the test methods set forth in 40 CFR 60.8 and 40 CFR 60 Appendix A. Performance tests shall be conducted using either the methods specified below or USEPA approved equivalent methods. Upon prior written request and with adequate justification from the permittee, GEPA may waive a specific annual performance test. Such requests must be submitted no later than 60 days prior to the annual performance test date. [GEPA Permit HEI-678, Conditions IV.B and IV.E, Issued August 25, 1997; GAPCSR, Section 1102.4]

II.D.8.a Performance test for the emission of NO<sub>x</sub> shall be conducted using USEPA Methods 1-4 and 7E.

II.D.8.b Performance test for the emission of SO<sub>2</sub> shall be conducted using USEPA Methods 1-4 and 6C.

**Guam EPA**

Title V Operating Permit

Pruvient Energy Guam, Inc. – Tanguisson Power Plant

Permit No. FO-012

Expires: **Insert Date**

II.D.8.c Performance test for the emission of VOC shall be conducted using USEPA Methods 1-4 and 25.

II.D.8.d Performance test for the emission of PM<sub>10</sub> shall be conducted using USEPA Methods 1-5.

II.D.8.e Performance test for the emission of CO shall be conducted using USEPA Methods 1-4 and Method 10.

II.D.8.f Performance test for opacity shall be conducted using USEPA Method 9.

II.D.9 Compliance with Condition II.B.2.a of this permit shall be demonstrated during the performance testing required by Condition II.D.8 of this permit. The average of three one-hour tests per pollutant as specified in Condition II.D.8 of this permit shall be used to determine compliance. GEPA may set a new lower allowable emission rate for the emission limits in Condition II.B.2.a of this permit based on the review of the performance test results. [GEPA Permit HEI-678, Condition IV.A, Issued August 25, 1997]

II.D.10 For the diesel-fired emergency generator (Unit ICE 1), the permittee shall conduct performance tests for opacity on an annual basis to determine compliance with the opacity limits specified in this permit. Performance tests for opacity shall be conducted using USEPA Method 9 as set forth in 40 CFR 60.8 and Appendix A. [GAPCSR, Section 1104.12(7)]

II.D.11 Non-resetting fuel meters must be operated to continuously monitor and record the amount of fuel burned by the No. 6 fuel oil-fired steam boilers (Units 1 and 2) and the hours of operation. To verify the fuel consumption, the permittee shall keep records of the monthly summary reports indicating the quantity of fuel consumed in the subject month. The monthly reports shall be summarized and submitted to GEPA on an annual basis. [GEPA Permit HEI-678, Condition II.H, Issued August 25, 1997]

II.D.12 The permittee shall conduct weekly monitoring for opacity on the No. 6 fuel oil-fired steam boilers (Units 1 and 2) following USEPA Method 22 in order to validate compliance with Condition II.B.1.a of this permit. The visible emissions inspection shall be conducted by a Method 9-certified observer. For each weekly monitoring period, two (2) six-minute observations shall be taken at fifteen (15) second intervals each engine. If a visible emissions inspection conducted following USEPA Method 22 document visible emissions with an instantaneous opacity reading of 10% or higher, a USEPA Method 9 “Visible Emissions Evaluation” shall be completed within three (3) working days, or during the next

scheduled operation period if the unit ceases firing on No. 6 fuel oil within the three working day time frame. [GAPCSR Section 1104.12(12)]

II.D.13 The permittee shall conduct periodic monitoring for opacity on the diesel-fired emergency generator (Unit ICE 1) following USEPA Method 22 in order to validate compliance with Condition II.B.1.a of this permit. The visible emissions inspection shall be conducted by a Method 9-certified observer. Visible emissions inspection is required every three months if the unit was operated more than 50 hours during the most recent quarter. If a visible emissions inspection conducted following USEPA Method 22 documents an instantaneous opacity reading of 10% or higher, a USEPA Method 9 “Visible Emissions Evaluation” shall be completed within three (3) working days, or during the next scheduled operating period if the unit ceases firing on diesel fuel within the three working day time frame. [GAPCSR, Section 1104.12(7)]

## **II.E. Recordkeeping Requirements**

II.E.1 All records, including support information, shall be maintained for at least five (5) years following the date of such records compiled in a permanent form suitable for inspection and made available to GEPA or their representative upon request. [GAPCSR, Section 1104.12(7)(H)]

II.E.2 The sulfur content of the fuel used in the No. 6 fuel oil-fired steam boilers (Units 1 and 2) and the diesel-fired emergency generator (Unit ICE 1) shall be either obtained from the fuel vendor or monitored pursuant to any of the following test methods: ASTM D129–00, D2622–98, D4294–02, D1266–98, D5453–00 or D1552–01. [GAPCSR, Section 1103.10(a)]

II.E.3 The permittee shall maintain records of fuel deliveries identifying the delivery dates and the type and amount of fuel received and including copies of the supplier’s certificate of analysis showing the sulfur content of the fuel delivered. Fuel consumption records shall be maintained annually for the No. 6 fuel oil-fired steam boilers (Units 1 and 2) and the diesel-fired emergency generator (Unit ICE 1) [GPACSR, Section 1102.4(c)]

II.E.4 The permittee shall maintain records of the following for the emissions units identified in Condition II.A.1 of this permit, recorded in a permanent form suitable for inspection:

II.E.4.a All measurements, including operating load and annual hours of operation

II.E.4.b All monitoring device calibration checks

II.E.4.c Inspections, maintenance, adjustments, and any other repair work

II.E.4.d Performance test results

[GAPCSR, Section 1104.12(7)]

II.E.5 The records, including support information, shall be in a permanent form suitable for inspection and shall be retained for at least five years following the date of such records. As a minimum, these records shall include the date of the measurement or inspection, a short description of the action and/or any such repair works, and a description of the action and/or any such repair work, and a description of the part(s) inspected or repaired. [GAPCSR 1104.12(7)(H)]

## **II.F. Reporting Requirements**

II.F.1 As required in Section II.K of this permit and in conjunction with the requirements of Section II.L of this permit the permittee shall report annually the total tons per year emitted of each regulated air pollutant, including hazardous air pollutants. The reporting of annual emissions is due within sixty (60) days following the end of the each calendar year. Upon the written request of the permittee, the deadline for reporting of annual emissions may be extended, if GEPA determines that reasonable justification exists for the extension. [GAPCSR Section 1104.12(7)]

II.F.2 The permittee shall report in writing within thirty (30) days the modification, relocation, discontinuance of operation or dismantlement of the emission units identified in Condition II.A.1 of this permit. [GAPCSR Section 1104.5(a)]

II.F.3 The permittee shall provide a report to GEPA of the results of all monitoring and recordkeeping required by this permit at least once every six (6) months. Reports shall be submitted for monitoring and recordkeeping performed between January 1<sup>st</sup> and June 30<sup>th</sup> and between July 1<sup>st</sup> and December 31<sup>st</sup> and shall be postmarked by the 30<sup>th</sup> day following the end of the reporting period. The first monitoring and recordkeeping report will cover the period from the date of issuance of this permit to June 30, 2009. These reports shall include, but are not limited to the following.

II.F.3.a Annual fuel consumption and hours of operation for the No. 6 fuel oil-fired steam boilers (Units 1 and 2) and the diesel-fired emergency generator (Unit ICE1)

II.F.3.b Those analyses of the sulfur content in diesel fuel for which there are exceedances of the limits specified in Conditions II.C.4 and II.C.5 of this permit. If there were no exceedances, the permittee shall submit in writing a statement indicating that there were no exceedances for that recording period.

**Guam EPA**

Title V Operating Permit

Pruvient Energy Guam, Inc. – Tanguisson Power Plant

Permit No. FO-012

Expires: **Insert Date**

II.F.3.c Annual fuel consumption and hours of operation for the No. 6 fuel oil-fired steam boilers (Units 1 and 2) and the diesel-fired emergency generator (Unit ICE1)

[GAPCSR, Section 1104.12(7)(I)]

II.F.4 The permittee shall notify GEPA within 24 hours of any equipment malfunctions or any other occurrence that causes any emission exceedance. These events shall be followed with a submission of a written notice to GEPA within two (2) weeks from the date of occurrence. This notification shall include a description of the malfunctioning equipment or abnormal operation, the date and the duration of failure, the magnitude of excess emissions, the cause of the failure, and the methods utilized to restore operations. [GEPA Permit HEI-678, Condition III.A, Issued August 25, 1997]

II.F.5 The permittee shall notify GEPA immediately on any occasion when petroleum products are discharged into the environment. A follow-up report must be submitted to the GEPA within ten (10) days after the event. The report shall describe the circumstances of the incident and corrective/preventive measures undertaken to prevent future occurrences. [GEPA Permit HEI-678, Condition III.B, Issued August 25, 1997]

II.F.6 At least 30 days prior to annual source testing required in Condition II.D.8 of this permit, the permittee shall submit to GEPA a written performance test plan detailing methods and procedures to be used. [GEPA Permit HEI-678, Condition IV.C, Issued August 25, 1997, Issued August 25, 1997]

II.F.7 The permittee shall submit to GEPA, within thirty (30) calendar days after completion of the annual source testing required in Condition II.D.8 of this permit, a test report which shall include the operating parameters of the diesel-fired steam boilers (Units 1 and 2) at the time of the test, test data, the summarized test results, and other pertinent field and laboratory data. [GEPA Permit HEI-678, Condition IV.D, Issued August 25, 1997, Issued August 25, 1997]

II.F.8 Any modification to the facility that increases the facility's potential to emit pollutants above the applicable Prevention of Significant Deterioration (PSD) threshold level will require a full PSD review (as per 40 CFR 52.21(r)(4)). This will apply to all criteria pollutants including PM<sub>10</sub>. [GEPA Permit HEI-678, Condition II.J, Issued August 25, 1997]

## **II.G. Special Conditions**

II.G.1 The permittee has submitted a plan to demonstrate or reach attainment of the National Ambient Air Quality Standards (NAAQS) for Sulfur Dioxide within the 3.5 kilometer area around the Tanguisson Power Plant Facility as required by GEPA Permit HEI-678, Condition V.B, Issued August 25, 1997.

### **II.G.1.a Attainment Demonstration Plan Requirements**

<b>Requirement</b>	<b>Deadline</b>
Submit to Guam EPA and US EPA a proposal for ambient air monitoring site(s) to be used to demonstrate attainment of SO <sub>2</sub> NAAQS	6 months after issuance of a Title V operating permit by Guam EPA but no later than October 31, 2009
Release Request for Proposals (RFP) for vendors capable of establishing and operating monitor(s)	1 month after Guam EPA and US EPA approval of siting proposal
Select vendor and enter into contract for monitor setup and operation	4 months after Guam EPA and US EPA approval of siting proposal
Set up monitor and begin collecting data	8 months after Guam EPA and US EPA approval of siting proposal
Submit quarterly monitoring reports to Guam EPA	Beginning with operation of monitoring station(s)

II.G.1.b In addition, upon issuance of this Permit and until monitoring and data collection is begun, the permittee shall submit a Progress Report to Guam EPA no later than the 1<sup>st</sup> day of each month indicating the status of each task listed above, including any activities since the previously submitted Progress Report and anticipated dates of completion. After monitoring and data collection is begun, quarterly reports shall be filed, as above. [GAPCSR, Section 1104.12(12)]

II.G.1.c Permittee's failure to perform any provision of this condition II.G. as a result of conditions beyond its control such as, but not limited to, war, strikes, fires, hurricanes, acts of God, governmental restrictions, power failures, or damage or destruction of any equipment or structures, shall not be deemed to constitute a failure to comply with this condition. Should such a condition occur, Tanguisson shall use best efforts to timely satisfy the commitments of Condition II.G, and a revised schedule for compliance with these requirements shall be submitted to Guam EPA. [GAPCSR, Section 1104.12(12)]



II.G.1.d Permittee shall amend the submitted attainment plan to include requirements should any such requirements be determined to apply by GEPA and USEPA, including but not limited to a Maintenance Plan. [GAPCSR, Section 1104.12(12)]

## **II.H. Compliance Schedule**

II.H.1 For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements. [GAPCSR, Section 1104.8(b)(2)(A)]

II.H.2 For applicable requirements which become applicable during the permit term, the source shall meet such applicable requirements on a timely basis. [GAPCSR, Section 1104.8(b)(2)(B)]

## **II.I. Compliance Certifications**

II.I.1 The compliance plan and compliance certification submittal requirements shall be in accordance with Sections 1104.8 and 1104.9 of the GAPCSR. The compliance certification shall be submitted to GEPA and the USEPA Regional Administrator once per year, or more frequently as set by any applicable requirement.

II.I.2 During the permit term, the permittee shall submit at least annually to GEPA, a compliance certification pursuant to Section 1104.9 of the GAPCSR. This certification shall be postmarked by January 30<sup>th</sup> of each year, and shall cover the previous calendar year (January 1 through December 31). The first compliance certification will cover the period from the date of issuance of this permit to December 31, 2009. The permittee shall indicate whether or not compliance is being met with each term or condition of this permit. [GAPCSR, Section 1104.9]

## **II.J. General Air Quality Protections**

II.J.1 The permittee shall not dispose of combustible material by open burning, or cause, suffer, allow, or permit open burning of combustible material within Guam, except as provided in Sections 1103.11 (b) through (e) of the GAPCSR. [GAPCSR, Section 1103.11; SIP, Section 6.1]

II.J.2 Control of Odors in Ambient Air

II.J.2.a The permittee shall not discharge or cause to be discharged into the atmosphere from any source whatsoever, such quantities of odorous emissions which is injurious to health, or is indecent or offensive to the senses, which affects at the same time an entire community or



**Guam EPA**

Title V Operating Permit

Pruvient Energy Guam, Inc. – Tanguisson Power Plant

Permit No. FO-012

Expires: **Insert Date**

neighborhood, or any considerable number of persons, so as to unduly interfere with the comfortable enjoyment of life or property of such community, neighborhood or persons. It is a creation of a condition which causes injury to the public welfare. [GAPCSR, Section 1103.12(a); SIP, Section 11.1]

II.J.2.b An odor occurrence shall be deemed a violation when a complaint is received by the Administrator and the Administrator is able to detect the odor. This detection must be verified by the Department of Public Health, Environmental Health Section for a person to be found in violation of subsection (a) of this condition. [GAPCSR, Section 1103.12(b); SIP, Section 11.2]

II.J.2.c The odor of growing vegetation, and chemical fertilizers and insecticides when used properly, or when persons can demonstrate to the Administrator that the best practical operation or treatment is being implemented, shall not be considered objectionable for the purposes of this requirement. [GAPCSR, Section 1103.12(c); SIP, Section 11.3]

II.J.3 The permittee shall comply with the asbestos requirements of 40 CFR 61, Subpart M (as amended and incorporated in Section 1103.13 of the GAPCSR), including requirements for demolition and renovation projects. [GAPCSR, Section 1103.13]

**II.K. Annual Emissions Reporting Requirements**

II.K.1 The reporting period for annual emissions, including emissions from significant units listed in Condition II.A.1, shall be from January 1 to December 31 of each calendar year. All reports shall be submitted to GEPA along with the annual fee due. The report shall be mailed to [GAPCSR, Section 1104.24(c)]:

**Administrator  
Guam Environmental Protection Agency  
Air and Land Division  
Air Pollution Control Program  
P.O. Box 22439 GMF  
Barrigada, Guam 96921**

**Guam EPA**  
Title V Operating Permit  
Pruvient Energy Guam, Inc. – Tanguisson Power Plant  
Permit No. FO-012  
Expires: **Insert Date**

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

**Director, Air Division (Attn: AIR-5)**  
**U.S. Environmental Protection Agency**  
**75 Hawthorne Street**  
**San Francisco, CA 94105**

II.K.2 The permittee shall retain the information submitted, including all emissions calculations. These records shall be in a permanent form suitable for inspection, retained for a minimum of five (5) years, and made available to GEPA upon request. [GAPCSR, Section 1104.12(7)(H)]

II.K.3 Any information submitted to GEPA without a request for confidentiality shall be considered public record. [GAPCSR, Section 1102.7]

II.K.4 The permittee may request confidential treatment of specific information by submitting a written request to the Administrator identifying the specific information that is to be accorded confidential treatment. [GAPCSR, Section 1102.7(b)]

## **II.L. Fee Payment**

II.L.1 The permittee shall submit fees in accordance with GAPCSR, Sections 1104.21 through 1104.24. [GAPCSR, Section 1104.12(9)(K)]

II.L.2 The permittee shall complete and submit the Annual Fee Calculation Worksheet, including all emissions calculations, with the required annual fee. The permittee shall make copies for future use. [GAPCSR, Section 1104.24(l)]

II.L.3 Annual fees shall be paid in full: [GAPCSR, Section 1104.24(a)]

II.L.3.a Within sixty (60) days after the end of each calendar year;

II.L.3.b Within thirty (30) days after permanent discontinuance of the air emission source.

II.L.4 The permittee shall be assessed a Six Dollars (\$6.00) per ton per pollutant base rate on the total annual emission. However, the minimum annual fee due shall be Five Hundred Dollars (\$500.00) for each valid permit held during the prior calendar year; or Forty-Two Dollars (\$42.00) per month for any fraction of the year the permit is valid after the last calendar year for which annual fee was paid. [GAPCSR, Section 1104.24(g)]

**Guam EPA**  
Title V Operating Permit  
Pruvient Energy Guam, Inc. – Tanguisson Power Plant  
Permit No. FO-012  
Expires: **Insert Date**

- II.L.5 If any part of the annual fee is not paid within thirty (30) days after the due date, a late penalty of five percent (5%) of the amount due shall at once accrue and be added thereto. Thereafter, on the first day of each calendar month during which part of the annual fee or any prior accrued late payment penalty remains unpaid, an additional late payment penalty of five percent (5%) of the then unpaid balance shall accrue and be added thereto. [GAPCSR, Section 1104.25(b)]
- II.L.6 If any annual fee, including the late payment penalty required by the GAPCSR is not paid in full within thirty (30) days after the due date, the Administrator may terminate or suspend any or all of the owner or operator's air pollution control permit, after affording the opportunity for a hearing in accordance with Section 1104.19 or Section 1102.14 of the GAPCSR [GAPCSR, Section 1104.25(c)]
- II.L.7 The annual emissions data for which the annual fees are based shall accompany the submittal of any annual fees and submitted on forms furnished by GEPA. [GAPCSR, Section 1104.24(c)]
- II.L.8 Check payments shall be made payable to the Treasurer of Guam along with a notation that the funds be deposited into GEPA's Air Pollution Control Special Fund. [GAPCSR, Section 1104.21(d)]
- II.L.9 The annual fees and emissions data shall be mailed to [GAPCSR, Section 1104.24]:

**Administrator**  
**Guam Environmental Protection Agency**  
**Air and Land Division**  
**Air Pollution Control Program**  
**P.O. Box 22439 GMF**  
**Barrigada, Guam 96921**

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

**Director, Air Division (Attn: AIR-5)**  
**U.S. Environmental Protection Agency**  
**75 Hawthorne Street**  
**San Francisco, CA 94105**

**Guam EPA**  
Title V Operating Permit  
Pruvient Energy Guam, Inc. – Tanguisson Power Plant  
Permit No. FO-012  
Expires: **Insert Date**

### **III. Title V Administrative Requirements**

#### **III.A. Blanket Compliance Statement**

The permittee shall comply with all the terms and conditions of this permit. Any permit noncompliance constitutes a violation of the GAPCSR and, for all federally enforceable terms and conditions, the CAA, and is grounds for enforcement action, permit termination, suspension, reopening, or amendment, or for denial of a permit renewal application. Permit noncompliance shall be subject to the penalties and remedies provided for in Section 49116 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA. [GAPCSR, Sections 1104.12(9)(A) and 1102.12; SIP, Section 4.4]

#### **III.B. Duty to Provide and Supplement Information**

The permittee shall furnish, in a timely manner, any information or record requested in writing by GEPA to determine whether cause exists for terminating, suspending, reopening, or amending the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to GEPA copies of records required to be kept by the permit. For information claimed confidential, the permittee shall furnish such records to GEPA with a claim of confidentiality. [GAPCSR, Section 1104.12(9)(H)]

#### **III.C. Submissions**

Any document (including reports, compliance plans and compliance certifications) required to be submitted by this permit shall be certified by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete in accordance with 1102.3 and shall be mailed or forwarded to the following address [GAPCSR, Sections 1102.3 and 1104.12(9)(L)]:

**Administrator  
Guam Environmental Protection Agency  
Air and Land Division  
Air Pollution Control Program  
P.O. Box 22439 GMF  
Barrigada, Guam 96921**

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

**Director, Air Division (Attn: AIR-5)  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105**

**Guam EPA**  
Title V Operating Permit  
Pruvient Energy Guam, Inc. – Tanguisson Power Plant  
Permit No. FO-012  
Expires: **Insert Date**

### **III.D. Severability Clause**

If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and remain valid. [GAPCSR, Section 1104.12(9)(B)]

### **III.E. Circumvention**

The permittee shall not cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate these regulations. This provision does not prohibit recycling, burning as fuel or otherwise further processing material which would violate an emission regulation if released to the atmosphere, so long as the facility in which that material is used does not violate applicable emission regulations. [SIP, Section 17.2]

### **III.F. Permit Actions**

This permit will be revoked if the Agency finds willful or continued violations of the standards and regulations. [GAPCSR, Sections 1104.12(9)(A), 1104.18(a)(4), and 1104.18(b)(3); SIP, Section 3.7(c)]

### **III.G. Reopening for Cause**

This permit may be terminated, suspended, reopened, or amended for cause pursuant to Section 1104.18 of the GAPCSR, after affording the permittee an opportunity for a hearing in accordance with Section 1102.14 or 10 GCA 49111. [GAPCSR, Section 1104.12(9)(D)]

### **III.H. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege. [GAPCSR, Section 1104.12(9)(E)]

### **III.I. Inspection and Entry**

III.I.1 The permittee shall allow GEPA, the Regional Administrator for the USEPA and/or an authorized representative, upon presentation of credentials or other documents required by law:

III.I.1.a To enter the premises where a source is located or emission-related activity is conducted, or where records must be kept under the conditions of the permit and inspect at reasonable times all facilities, equipment, practices, operations, or records covered under the terms and conditions of the permit and request copies of records or copy records required by the permit; and

III.I.1.b To sample or monitor at reasonable times substances or parameters to assure compliance with the permit or applicable requirements. [GAPCSR, Section 1104.12(9)(M)]

### **III.J. Emergency Provisions**

III.J.1 In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate to the Administrator the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

III.J.1.a An emergency occurred and the permittee can identify the cause(s) of the emergency;

III.J.1.b The permitted facility was at the time being properly operated;

III.J.1.c During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations or other requirements in this permit; and

III.J.1.d The permittee submitted notice of the emergency to the Administrator within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the prompt reporting of deviations pursuant to Section 1102.9 of the GAPCSR. [GAPCSR, Sections 1104.17(a) and 1104.1(c)]

III.J.1.e In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof. [GAPCSR, Section 1104.17(b)]

### **III.K. Transfer of Ownership or Operation**

III.K.1 This permit is not transferable, whether by operation of law or otherwise, either from one location to another or from one piece of equipment to another. [GAPCSR, Section 1104.4(c); SIP Section 3.8]

III.K.2 This permit shall not be transferable, whether by operation of law or otherwise, from person to person without the approval of the Administrator. [GAPCSR, Section 1104.4(d); SIP Section 3.8]

III.K.3 In the event of any changes in control or ownership of facilities to be operated or modified, the resulting modification of this permit shall be made as an administrative amendment pursuant to Section 1104.20 of the GAPCSR. [GAPCSR, Section 1104.20]

### **III.L. Permit Expiration and Renewal**

III.L.1 This permit is issued for a fixed term of five years from the date of issuance. [GAPCSR, Section 1104.11; SIP Section 3.1(b)(4)]

III.L.2 Application for permit renewal shall be submitted no more than eighteen (18) months prior to the date of permit expiration. Application for permit renewal shall be submitted no later than six (6) months prior to the date of permit expiration. Late applications shall be subject to penalties pursuant to Section 1104.25 of the GAPCSR. [GAPCSR, Section 1104.6(d); SIP Section 3.1(b)(4)]

III.L.3 This permit shall remain valid past the expiration date and the air pollution emission source shall not be in violation for failing to have an air pollution control permit, until the Administrator has issued or denied the renewal of the air pollution control permit, provided [GAPCSR, Section 1104.2(d)]:

III.L.3.a A complete renewal application has been submitted and the owner or operator acts consistently with the permit previously granted, and the application on which it was based, and all plans, specifications, and other information submitted as part of the application; and

III.L.3.b The owner or operator has submitted to the Administrator within the specified deadlines, all requested additional information deemed necessary to evaluate or take final action on the renewal application as described in Section 1104.6 of the GAPCSR.

### **III.M. Permit Modifications**

Applications for modification of this permit are subject to the same requirements as the initial application including all requirements pursuant to Section 1104.6(c) of the GAPCSR. The permittee shall submit a description of the modification, identifying all proposed changes, including any changes to the source operations, work practices, equipment design, source emissions, or any monitoring, record keeping, and reporting procedures. Each change from the permit application for this permit shall be identified on the application for the permit modification. [GAPCSR, Section 1104.6(f)]

### **III.N. Malfunction**

III.N.1 Except for emergencies which result in noncompliance with any technology-based emission limitation in accordance with Section 1104.17 of the GAPCSR, in the event any emission unit, air pollution control equipment, or related equipment breaks down in such a manner as to cause the emission of air pollutants in violation of GAPCSR, or this permit, the permittee shall immediately notify, within twenty-four (24) hours, GEPA of the failure or breakdown, unless the protection of personnel or public health or safety demands immediate attention to the failure or breakdown and makes such notification infeasible. In the latter case, the notice shall be provided as soon as practicable. The submittal of these notices shall not be a defense to an enforcement action. Within five (5) working days of this initial notification, the permittee shall also submit, in writing, the following information:

III.N.1.a Identification of emission points;

III.N.1.b Magnitude of the excess emissions;

III.N.1.c Time and duration of the excess emissions;

III.N.1.d Identity of the process or control equipment causing the excess emissions;

III.N.1.e Cause and nature of the excess emissions;

III.N.1.f Description of the steps taken to remedy the situation, prevent a recurrence, limit the excessive emissions, and assure that the breakdown does not interfere with the attainment and maintenance of the NAAQS (National Ambient Air Quality Standards) and Guam ambient air quality standards;

III.N.1.g Documentation that the equipment or process was at all times maintained and operated in a manner consistent with good practice for minimizing emissions; and

III.N.1.h A statement that the excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance. [GAPCSR, Section 1102.9]

### **III.O. Agency Notifications**

III.O.1 The permittee shall notify the Administrator in writing of the following dates:



**Guam EPA**

Title V Operating Permit

Pruvient Energy Guam, Inc. – Tanguisson Power Plant

Permit No. FO-012

Expires: **Insert Date**

- III.O.1.a The anticipated date of initial start-up for each emission unit of a new source or significant modification not more than sixty (60) days or less than thirty (30) days prior to such date.
- III.O.1.b The actual date of construction commencement within fifteen (15) days after such date.
- III.O.1.c The actual date of start-up within fifteen (15) days after such date. [GAPCSR, Section 1104.12(9)(G)]
- III.O.2 The permittee shall notify GEPA in writing, of the intent to shut down air pollution control equipment for necessary scheduled maintenance at least twenty-four (24) hours prior to the planned shutdown. The submittal of this notice shall not be a defense to an enforcement action. The notice shall include the following:
  - III.O.2.a Identification of the specific equipment to be taken out of service, as well as its location and permit number;
  - III.O.2.b The expected length of time that the air pollution control equipment will be out of service;
  - III.O.2.c The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period;
  - III.O.2.d Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period; and
  - III.O.2.e The reasons why it would be impossible or impractical to shut down the source operation during the maintenance period. [GAPCSR, Section 1102.8; SIP, Section 4.3]
- III.O.3 A copy of applicable correspondence or records submitted to GEPA shall be provided to the USEPA pursuant to Section 1104.15 of the GAPCSR. [GAPCSR, Section 1104.12(9)(I)]
- III.O.4 Within thirty (30) days of permanent discontinuance of the operation, modification, relocation, or construction of any of the above units, the responsible official shall report the discontinuance in writing to the Administrator. [GAPCSR, Section 1104.5(a)]

### **III.P. Miscellaneous Conditions**

- III.P.1 Unless specifically identified, the terms and conditions contained in this permit are consistent with the applicable requirement on which each term or condition is based. [Section 49107(7)(c)(2) of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA]
- III.P.2 This permit, or a copy thereof, shall be maintained at or near the source for which this permit was issued and shall be made available for inspection upon request. [GAPCSR, Section 1104.4(a); SIP, Section 3.12]
- III.P.3 This permit shall not be willfully defaced, altered, forged, counterfeited, or falsified. [GAPCSR, Section 1104.4(b); SIP, Section 3.13]
- III.P.4 The facility covered by this permit shall be constructed and operated in accordance with the application, and any information submitted as part of the application, for this permit. There shall be no deviation from this permit condition unless additional or revised plans are submitted to and approved by GEPA, and the permit is amended to allow for such deviation. [GAPCSR, Section 1104.12(12)]
- III.P.5 This permit (a) does not release the permittee from compliance with other applicable statutes of Guam, or with applicable local or federal laws, regulations, or ordinances, and (b) shall not constitute, nor be construed to be an approval of the design of the source. [GAPCSR, Sections 1104.2(e) and 1104.12(11)]
- III.P.6 The permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the terms and conditions of this permit. [GAPCSR, Section 1104.12(9)(C)]
- III.P.7 The filing of a request by the permittee for a permit termination, suspension, reopening, or amendment, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [GAPCSR, Section 1104.12(9)(D)]
- III.P.8 This permit shall become invalid with respect to any authorized construction if construction is not commenced as follows:
- III.P.8.a Within thirty (30) days of permanent discontinuance of the construction, modification, relocation or operation of any permitted air pollution emission source, the responsible official shall report the discontinuance in writing to the Administrator.

**Guam EPA**

Title V Operating Permit

Pruvient Energy Guam, Inc. – Tanguisson Power Plant

Permit No. FO-012

Expires: **Insert Date**

III.P.8.b For phased construction projects, each phase shall commence construction within eighteen (18) months of the projected and approved commencement dates in the permit. [GAPCSR, Sections 1104.5(b), 1104.5(c), and 1104.12(9)(F)]

III.P.9 GEPA may extend the time periods specified in Condition III.P.8 of this permit upon a satisfactory showing that an extension is justified. Request for an extension shall be submitted in writing to GEPA. [GAPCSR, Section 1104.5(d)]

III.P.10 The permittee may request confidential treatment of any records in accordance with Section 1102.7 of the GAPCSR. [GAPCSR, Section 1104.12(9)(J)]

III.P.11 The terms and conditions included in this permit, including any provision designed to limit a source's potential to emit, are federally enforceable unless such terms, conditions, or requirements are specifically designated as not federally enforceable. [GAPCSR, Section 1104.14]